

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

Index No. _____

-----X
JASON LEE,

Date purchased: _____

Plaintiff,

- against -

**VERIFIED
COMPLAINT**

ENTERPRISE HOLDINGS, INC. and
PHILIP CATALDI, TRUSTEE OF THE PHILIP
CATALDI TRUST #2,

Defendant(s).
-----X

The Plaintiff, complaining of the Defendants, by his attorney, JEFFREY KIM,
respectfully alleges as follows:

1. Upon information and belief, at all the dates and times herein mentioned, the plaintiff, JASON LEE, was and still is a resident of the County of Queens, State of New York
2. Upon information and belief, at all the dates and times herein mentioned, the defendant, ENTERPRISE HOLDINGS, INC., was and still is a foreign corporation doing business in the State of New York
3. Upon information and belief, at all the dates and times herein mentioned, the defendant, ENTERPRISE HOLDINGS, INC., was and still is a domestic corporation doing business in the State of New York.
4. Upon information and belief, at all the dates and times herein mentioned, the defendant, PHILIP CATALDI, TRUSTEE OF THE PHILIP CATALDI TRUST #2, owned the premises located at 218-30 Hillside Avenue, Queens Village, New York, County of Queens, State of New York.

5. Upon information and belief, at all the dates and times herein mentioned, the defendant, ENTERPRISE HOLDINGS, INC., occupied the premises located at 218-30 Hillside Avenue, Queens Village, New York, County of Queens, State of New York.

6. Upon information and belief, at all the dates and times herein mentioned, the defendant, ENTERPRISE HOLDINGS, INC., operated a business at premises located at 218-30 Hillside Avenue, Queens Village, New York, County of Queens, State of New York.

7. Upon information and belief, at all the dates and times hereinafter mentioned, the defendant, PHILIP CATALDI, TRUSTEE OF THE PHILIP CATALDI TRUST #2, controlled the aforesaid premises, including the appurtenances and fixtures thereto, located at 218-30 Hillside Avenue, Queens Village, New York, County of Queens, State of New York.

8. Upon information and belief, at all the dates and times herein mentioned, the defendant, PHILIP CATALDI, TRUSTEE OF THE PHILIP CATALDI TRUST #2, maintained the aforesaid premises, including the appurtenances and fixtures thereto, located at 218-30 Hillside Avenue, Queens Village, New York, County of Queens, State of New York.

9. Upon information and belief, at all the dates and times herein mentioned, the defendant, PHILIP CATALDI, TRUSTEE OF THE PHILIP CATALDI TRUST #2, managed the aforesaid premises, including the appurtenances and fixtures thereto, located at 218-30 Hillside Avenue, Queens Village, New York, County of Queens, State of New York.

10. Upon information and belief, at all the dates and times herein mentioned, the defendant, PHILIP CATALDI, TRUSTEE OF THE PHILIP CATALDI TRUST #2, inspected the aforesaid premises, including the appurtenances and fixtures thereto, located at 218-30 Hillside Avenue, Queens Village, New York, County of Queens, State of New York.

11. Upon information and belief, at all the dates and times herein mentioned, the

defendant, PHILIP CATALDI, TRUSTEE OF THE PHILIP CATALDI TRUST #2, inadequately and/or improperly maintained and/or cleaned aforesaid premises located at 218-30 Hillside Avenue, Queens Village, New York, County of Queens, State of New York.

12. Upon information and belief, at all the dates and times herein mentioned, the defendant, PHILIP CATALDI, TRUSTEE OF THE PHILIP CATALDI TRUST #2, through its act and/or omissions, inadequately and/or improperly maintained and/or cleaned aforesaid premises located at 218-30 Hillside Avenue, Queens Village, New York, County of Queens, State of New York.

13. Upon information and belief, at all the dates and times herein mentioned, the defendant, PHILIP CATALDI, TRUSTEE OF THE PHILIP CATALDI TRUST #2, through its act and/or omissions failed to clean and/or improperly clean and thereby placed and/or allow foreign substances, ice and/or snow to remain on the sidewalk of aforesaid premises located at 218-30 Hillside Avenue, Queens Village, New York, County of Queens, State of New York.

14. Upon information and belief, at all the dates and times hereinafter mentioned, the defendant, ENTERPRISE HOLDINGS, INC., controlled the aforesaid premises, including the appurtenances and fixtures thereto, located at 218-30 Hillside Avenue, Queens Village, New York, County of Queens, State of New York.

15. Upon information and belief, at all the dates and times herein mentioned, the defendant, ENTERPRISE HOLDINGS, INC., maintained the aforesaid premises, including the appurtenances and fixtures thereto, located at 218-30 Hillside Avenue, Queens Village, New York, County of Queens, State of New York.

16. Upon information and belief, at all the dates and times herein mentioned, the defendant, ENTERPRISE HOLDINGS, INC., managed the aforesaid premises, including the

appurtenances and fixtures thereto, located at 218-30 Hillside Avenue, Queens Village, New York, County of Queens, State of New York.

17. Upon information and belief, at all the dates and times herein mentioned, the defendant, ENTERPRISE HOLDINGS, INC., inspected the aforesaid premises, including the appurtenances and fixtures thereto, located at 218-30 Hillside Avenue, Queens Village, New York, County of Queens, State of New York.

18. Upon information and belief, at all the dates and times herein mentioned, the defendant, ENTERPRISE HOLDINGS, INC., inadequately and/or improperly maintained and/or cleaned aforesaid premises located at 218-30 Hillside Avenue, Queens Village, New York, County of Queens, State of New York.

19. Upon information and belief, at all the dates and times herein mentioned, the defendant, ENTERPRISE HOLDINGS, INC., through its act and/or omissions, inadequately and/or improperly maintained and/or cleaned aforesaid premises located at 218-30 Hillside Avenue, Queens Village, New York, County of Queens, State of New York.

20. Upon information and belief, at all the dates and times herein mentioned, the defendant, ENTERPRISE HOLDINGS, INC., through its act and/or omissions failed to clean and/or improperly clean and thereby placed and/or allow foreign substances, ice and/or snow to remain on the sidewalk of aforesaid premises located at 218-30 Hillside Avenue, Queens Village, New York, County of Queens, State of New York.

21. That on or about February 6, 2014, the plaintiff, JASON LEE, was lawfully on the sidewalk within the aforementioned premises.

22. That at all the dates and times hereinafter mentioned, there was imposed upon the defendant, PHILIP CATALDI, TRUSTEE OF THE PHILIP CATALDI TRUST #2, a duty to

maintain and construct the aforesaid premises and areas directly adjacent thereto in a reasonably safe condition for those persons lawfully upon same, including the plaintiff, JASON LEE.

23. That on or about February 6, 2014, while plaintiff, JASON LEE, was lawfully walking within and/or upon or adjacent to said land, building and premises, he was caused to be precipitated to the ground due to dangerous, defective and hazardous condition of and located on said walkway, due to the defendant, PHILIP CATALDI, TRUSTEE OF THE PHILIP CATALDI TRUST #2's failure to properly construct, maintain, clean, inspect, operate, manage and/or control the aforesaid premises, without any fault on the part of said plaintiff contributing thereto, and wholly and solely by reason of the recklessness, carelessness and negligence of the defendant, in the construction, ownership, cleaning, inspection, operation, maintenance and/or control the aforementioned premises and appurtenances therein with the result that plaintiff was caused to sustain severe permanent personal injuries.

24. That the defendant, PHILIP CATALDI, TRUSTEE OF THE PHILIP CATALDI TRUST #2, was at all times herein mentioned under a duty to keep the aforementioned lands and/or premises in a safe, proper, cleaned and secured manner and free from obstruction and hazard.

25. That at all times herein mentioned, the defendant, PHILIP CATALDI, TRUSTEE OF THE PHILIP CATALDI TRUST #2, was negligent in his act or omissions in the manner in which they constructed, managed, maintained, controlled, cleaned and/or otherwise improperly maintained the aforementioned premises.

26. The defendant, PHILIP CATALDI, TRUSTEE OF THE PHILIP CATALDI TRUST #2, was negligent as set forth in the complaint and as follows, among other things: in the careless and negligent ownership, management, operation, and control of the aforesaid land

and/or premises in causing, allowing and/or permitting the aforesaid land and/or premises to become and remain in a dangerous, slippery, hazardous, trap-like, unmaintained, negligent, improper and/or unsafe condition; in failing to make proper, adequate, timely and necessary cleaning to said premises; in causing, allowing and/or permitting aforesaid land and/or premises to be and remain slippery and in a hazardous condition; in failing to make proper, timely and adequate inspection thereof; failed to maintain the aforesaid land and/or premises in a proper manner; in failing to warn persons lawfully traversing the area of the aforesaid trap-like, dangerous and hazardous condition; in having insufficient and inadequate manpower; in failing to protect invitee of the said area, in failing to provide and/or use proper equipment; and in otherwise to use due care, caution and prudence on the premises.

27. Upon information and belief, at all the dates and times hereinafter mentioned, the defendant, PHILIP CATALDI, TRUSTEE OF THE PHILIP CATALDI TRUST #2, knew, or should have known, that the aforesaid premises were in a dangerous, defective and otherwise hazardous condition for those persons lawfully upon same, including the plaintiff herein.

28. That at all the dates and times hereinafter mentioned, there was imposed upon the defendant, ENTERPRISE HOLDINGS, INC., a duty to maintain and construct the aforesaid premises and areas directly adjacent thereto in a reasonably safe condition for those persons lawfully upon same, including the plaintiff, JASON LEE.

29. That on or about February 6, 2014, while plaintiff, JASON LEE, was lawfully walking within and/or upon or adjacent to said land, building and premises, he was caused to be precipitated to the ground due to dangerous, defective and hazardous condition of and located on said walkway, due to the defendant, ENTERPRISE HOLDINGS, INC.'s failure to properly construct, maintain, clean, inspect, operate, manage and/or control the aforesaid premises,

failing to provide and/or use proper equipment; and in otherwise to use due care, caution and prudence on the premises.

33. Upon information and belief, at all the dates and times hereinafter mentioned, the defendant, ENTERPRISE HOLDINGS, INC., knew, or should have known, that the aforesaid premises were in a dangerous, defective and otherwise hazardous condition for those persons lawfully upon same, including the plaintiff herein.

34. That as a result of the aforesaid negligence of the defendants, PHILIP CATALDI, TRUSTEE OF THE PHILIP CATALDI TRUST #2 and ENTERPRISE HOLDINGS, INC., plaintiff, JASON LEE, was rendered sick, sore, lame and disabled, and sustained severe, serious and permanent personal injuries and was, and still is, internally and externally injured, the injuries being permanent in nature and for a long period of time said plaintiff was prevented from attending to his daily activities and has endured, and will continue to endure, great pain, suffering and mental anguish, all his damage.

35. That this occurrence and the injuries sustained by the plaintiff were caused wholly and solely by the negligence of defendants.

36. That no negligence on the part of the plaintiff contributed to the occurrence alleged herein in any manner whatsoever.

37. That this action falls within one or more of the exceptions set forth in the Civil Practice Law and Rules, Article 16, specifically Section 1602.

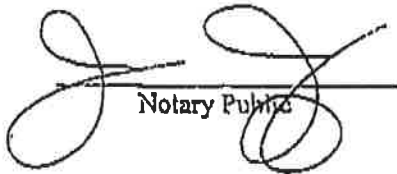
WHEREFORE, the plaintiff, JASON LEE, demands judgment against the defendants, PHILIP CATALDI, TRUSTEE OF THE PHILIP CATALDI TRUST #2 and ENTERPRISE HOLDINGS, INC., in his cause of action for a sum of money in excess of the jurisdictional limits, together with interest, costs and disbursement of this action.

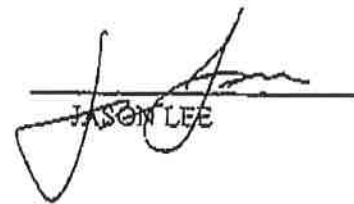
STATE OF NEW YORK)
) ss.:
COUNTY OF QUEENS)

I, JASON LEE, being duly sworn, depose and say that I am a plaintiff in the within action; that I have read the annexed Complaint and know the contents thereof; that the same is true to my own knowledge, except those matters therein stated to be alleged upon information and belief, and that as to those matters I believe them to be true.

Sworn to before me this

26 day of MARCH, 2014


Notary Public


JASON LEE

JEE WON JUNG
Notary Public, State of New York
No. 02JU6271868
Qualified in Queens County
Commission Expires November 05, 2016